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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,189	12/23/1999	YUKIO MIYAMARU	0505-0590P	7128

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EXAMINER
LELE, TANMAY S

ART UNIT	PAPER NUMBER
2684	7

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/471,189	MIYAMARU ET AL.	
	Examiner	Art Unit	
	Tanmay S Lele	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 December 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 3, 6 – 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al (Allman, UK Patent Application, GB 2,103,043) in view of McMahon (McMahon, US Patent No. 6,908,168).

Regarding claim 1, Allman teaches of a vehicular communication apparatus comprising (page 1, lines 18 – 24): at least one helmet worn by an operator of a vehicle (page 1, lines 18 – 24), said at least one helmet incorporated with a speaker and a microphone mounted thereon (Figures 1 and 2 and page 1 lines 25 – 43), and further including a mounted helmet side

infrared transmitter/receiver connected to the speaker and the microphone (Figures 1 and 2 and page 1, lines 25 – 43 and lines 60 - 75).

Allman does not specifically teach of a vehicle body provided with a vehicle body side transmitter/receiver for carrying out communication with the helmet side transmitter/receiver; and wireless communication means connected to the vehicle body side transmitter/receiver and arranged with communication operating means separately from the wireless communication means in at a position operably accessible to the operator during operation of the vehicle.

In a related art dealing with communications form a motorcycle, McMahon teaches of a vehicle body provided with a vehicle body side transmitter/receiver for carrying out communication with the helmet side transmitter/receiver (Figure 1 and column 2, lines 13 – 22); and wireless communication means connected to the vehicle body side transmitter/receiver and arranged with communication operating means separately from the wireless communication means in at a position operably accessible to the operator during operation of the vehicle (Figure 1 and column 2, lines 13 – 22 and column 3, lines 42 – 47).

It would have been obvious to one skilled in the skilled in the art at the time of invention to have included into Allman's helmet communication apparatus, McMahon's centralized transmitter and receiver, for the purposes of providing means for easily accessible communications by the rider in case of emergency or other communications while riding a motorcycle, as taught by McMahon.

Regarding claims 2 and 7, Allman in view McMahon teach all the claimed limitations as recited in claims 1 and 6. McMahon further teaches of wherein the vehicle is a handlebar type

vehicle (Figure 1), and the communication operating means is arranged at a vicinity of a grip of the handlebar (column 3, lines 42 – 47).

Regarding claims 3 and 8, Allman and McMahon teach all the claimed limitations as recited in claims 1 and 7. McMahon further teaches of wherein the vehicle is a handlebar type vehicle (Figure 1), the vehicle body side infrared ray transmitter/receiver is arranged at a position offset to either a left side and a right side of the handlebar (column 3, lines 42 – 47); and Allman further teaches of the helmet side infrared ray transmitter/receiver is arranged at least at a front face of the helmet (Figure 1 and page 2, lines 2 – 16).

Regarding claim 6, Allman teaches of a vehicular communication apparatus (page 1, lines 18 – 24) comprising: at least one helmet worn by an operator of a vehicle (page 1, lines 18 – 24), said at least one helmet incorporated with a speaker and a microphone mounted thereon, and further including a mounted helmet side infrared transmitter/receiver connected to the speaker and the microphone (Figures 1 and 2 and page 1, lines 25 – 43 and lines 60 - 75); wireless communication means connected to the helmet side infrared ray transmitter/receiver (Figures 1 and 2 and page 1, lines 25 – 43 and lines 60 - 75), said wireless communication means being carried or attached to the operator (Figures 1 and 2 and page 1, lines 25 – 43 and lines 60 - 75 and page 1,lines 44 – 60);

Allman does not specifically teach of and a vehicle body mounted with a vehicle body side transmitter/receiver for carrying out infrared communication with the helmet side transmitter/receiver and arranged with communication operating means separately from the wireless communication means at a position operably accessible to the operator during operation of the vehicle.

In a related art dealing with communications form a motorcycle, McMahon teaches of and a vehicle body mounted with a vehicle body side transmitter/receiver for carrying out infrared communication with the helmet side transmitter/receiver (Figure 1 and column 2, lines 13 – 22 and column 3, lines 42 – 47) and arranged with communication operating means separately from the wireless communication means at a position operably accessible to the operator during operation of the vehicle (Figure 1 and column 2, lines 13 – 22 and column 3, lines 42 – 47).

It would have been obvious to one skilled in the skilled in the art at the time of invention to have included into Allman's helmet communication apparatus, McMahon's centralized transmitter and receiver, for the purposes of providing means for easily accessible communications by the rider in case of emergency or other communications while riding a motorcycle, as taught by McMahon.

Regarding claim 11, Allman teaches of a vehicular communication apparatus (page 1, lines 18 – 24), comprising a helmet worn by a passenger of a handlebar type small-sized vehicle (Figure 1 and page 1, lines 18 – 24), said helmet incorporated with a speaker and a microphone and mounted with a helmet side infrared ray transmitter/receiver connected to the speaker and the microphone (Figures 1 and 2 and page 1, lines 25 – 43 and lines 60 - 75)

In a related art dealing with communications form a motorcycle, McMahon teaches of a vehicle body is arranged with a vehicle body side transmitter/receiver for carrying out communication with the helmet side transmitter /receiver said vehicle body side transmitter receiver disposed at a position offset either a left side and a right side of the handle bar (Figure 1 and column 2, lines 13 – 22 and column 3, lines 42 – 47).

It would have been obvious to one skilled in the skilled in the art at the time of invention to have included into Allman's helmet communication apparatus, McMahon's centralized transmitter and receiver, for the purposes of providing means for easily accessible communications by the rider in case of emergency or other communications while riding a motorcycle, as taught by McMahon.

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al (Allman, UK Patent Application, GB 2,103,043) in view of McMahon (McMahon, US Patent No. 6,908,168) as applied to claims 3 and 8 above, and further in view of Schwerer (Schwerer, German Patent Application, DE 4,233,721).

Regarding claims 4 and 9, Allman in view of McMahon teach all the claimed limitations as recited in claims 3 and 8. McMahon further teaches of wherein the communication operating means arranged at the vicinity of the grip is combined with the vehicular side infrared ray transmitter /receiver (column 3,lines 42 – 47).

Allman and McMahon do not specifically teach of to thereby constitute an integrated module.

In related art dealing with a motorcycle police radio, Schwerer teaches of to thereby constitute an integrated module (Figure 1 and pages 1 and 2 of the translation, paragraphs 2 and 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Allman and McMahon's vehicular communication system, Schwerer's combined transmitter and receiver positioned near the steering column, for the purposes of easy access to both the transmitter and receiver, as taught by Schwerer.

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al (Allman, UK Patent Application, GB 2,103,043) in view of McMahon (McMahon, US Patent No. 6,908,168) as applied to claims 3 and 8 above, and further in view of Atsuyoshi et al. (Atsuyoshi, Japanese Patent Application, JP 04-362613).

Regarding claims 5 and 10, Allman and McMahon teach all the claimed limitations as recited in claims 1 and 7. Allman and McMahon do not specifically teach of further comprising a display unit for indicating a transmitting/receiving state of the wireless communication means, said display unit disposed in a vicinity of the grip of the handlebar.

In a related art dealing with motorcycles and display of functions, Atsuyoshi teaches of further comprising a display unit said display unit disposed in a vicinity of the grip of the handlebar (Constitution).

It would have been obvious to one skilled in the art at the time of invention, to have positioned the display near the handlebars, for the purposes of safe viewing by a rider and easier wiring to controls, as taught by Atsuyoshi.

Allman in view of McMahon and Atsuyoshi, do not specifically teach of for indicating a transmitting/receiving state of the wireless communication means.

It would have been obvious to one skilled in the art at the time of invention to have included into Allman in view of McMahon and Atsuyoshi's controller, means for indicating a transmitting/receiving state of the wireless communication means, for the purposes of providing an easily viewable function determination of when one can talk (or is currently talking) or when one can listen (or is listening; as it should be noted that Allman's system is half-duplex, as stated on page 2,lines 54 –56), as taught by Atsuyoshi.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Tanmay S Lele
Examiner
Art Unit 2684

NAY MAUNG
PRIMARY EXAMINER

tsl
September 10, 2003